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Jay Yogeshwar

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06/29/2005

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EXAMINER

DO, ANH HONG

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,439

Applicant(s)

YOGESHWAR ET AL.

Examiner

ANH H. DO

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 12-14, 41 and 43-50 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 15-21, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 22, 24, 27-30 and 35-40 is/are rejected.
- 7) ☒ Claim(s) 23, 31-34 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-13, 15, 16, 18-21, 25, 26, 28, 30, 36-40 and 43-50 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22, 24, 27-30, 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert et al. (U.S. Patent No. 6,031,939) in view of Enokida Et al. (U.S. Patent No. 5,818,537).

Regarding claim 22, Gilbert discloses:

- receiving information including image quality information (col. 5, lines 53-57, teaches receiving image quality level) and image use information (Fig. 3: objective 33);

- selecting a first encoding format from a plurality of supported encoding formats as a function of said received information (col. 6, lines 22-27, teaches selecting compression conditions which designate a compression algorithm, such as one of JPEG, EZW, FISHER, TETRA, EPIC);

- encoding said image data according to the first encoding format to thereby generate first encoded image data representing said image (Fig. 3, step 38).

Gilbert does not disclose expressly storing the first encoded image data using a digital data storage device, retrieving the first encoded image data, converting the first encoded data from the first encoding format to a second encoding format to produce second encoded image data and outputting the second encoded image data.

Enokida discloses:

- storing the first encoded image data using a digital data storage device 18 (Fig. 1);
- retrieving the first encoded image data from the digital storage device using input controller 101 (Fig. 7);
- converting the first encoded data from the first encoding format MPEG to a second encoding format H.261 to produce second encoded image data using circuit 102, the second encoding format H.261 being different from the first encoding format MPEG (Fig. 7);
- outputting the second encoded image data using output controller 103 (Fig. 1).

Gilbert & Enokida are combinable because they are from image encoding method.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store the first encoded image data using a digital data storage device, retrieve the first encoded image data, convert the first encoded data from the first encoding format to a second encoding format to produce second encoded image data and output the second encoded image data in Gilbert as taught by Enokida.

The suggestion/motivation for doing so would have been to generate different kinds of coded data having different compression rates (Enokida, col. 2, lines 14-16).

Therefore, it would have been obvious to combine Gilbert with Enokida to obtain the invention as specified in claim 22.

Regarding claim 24, Enokida teaches:

- decoding said first encoded image data to generate decoded image data using MPEG video decoder 143 (Fig. 10);
- re-encoding said decoded image data according to the second encoding format H.261 using H261 video encoder 144 (Fig. 10).

Regarding claim 27, Gilbert discloses:

- a compression module supporting a plurality of different encoding formats, the compression module including a plurality of encoding modules, each encoding module capable of performing data encoding according to a different standardized encoding format (Fig. 2: compression algorithms 23);
- a control module for selecting from the plurality of encoding formats, an encoding format to be used with a given set of data supplied to the compression module (Fig. 3: selection).

Gilbert does not disclose expressly a data storage device for storing the encoded image data, a data retrieval module for retrieving the encoded image data, and a transcoder module for converting the encoded data from a format in which the data was stored to a different data format.

Enokida discloses:

- a digital data storage device 18 for storing the encoded image data (Fig. 1);
- a data retrieval module 101 for retrieving the encoded image data from the digital storage device (Fig. 7);
- a transcoder 102 for converting the encoded data from a format MPEG in which the data was stored to a different format H.261 (Fig. 7).

Gilbert & Enokida are combinable because they are from image encoding method.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a data storage device for storing the encoded image data, a data retrieval module for retrieving the encoded image data, and a transcoder module for converting the encoded data from a format in which the data was stored to a different data format in Gilbert as taught by Enokida.

The suggestion/motivation for doing so would have been to generate different kinds of coded data having different compression rates (Enokida, col. 2, lines 14-16).

Therefore, it would have been obvious to combine Gilbert with Enokida to obtain the invention as specified in claim 27.

Regarding claim 28, Enokida teaches a plurality of decoders, each decoder being capable of decoding at one of said encoding formats supported by the compression module (col. 8, lines 60-63, teaching a plurality of H.261 decoders).

Regarding claim 29, Enokida teaches a plurality of encoders including encoders 70-1, 70-2, 70-3,..., which support different encoding formats (Fig. 6).

Regarding claim 30, Enokida teaches means 71-1, 71-2, 71-3, ..., for outputting data generated by multiple encoders 70-1, 70-2, 70-3,... from the same decoded data generated by one of the plurality of decoders (Fig. 6).

Regarding claims 35 and 36, Enokida teaches a preview module coupled to said transcoder for displaying image generated from encoded data produced by said transcoder (Fig. 11 showing PCs 153-1 to 153-2 coupled to transcoder 150, each has a display for displaying image generated from encoded data produced by transcoder 150).

Regarding claim 37, Gilbert discloses:

- means for receiving information including image quality information (col. 5, lines 53-57, teaches receiving image quality level) and image use information (Fig. 3: objective 33);

- selecting a first encoding format from a plurality of supported encoding formats as a function of said received information (col. 6, lines 22-27, teaches selecting compression conditions which designate a compression algorithm, such as one of JPEG, EZW, FISHER, TETRA, EPIC).

Regarding claim 38, Gilbert discloses:

- receiving information including image quality information (col. 5, lines 53-57, teaches receiving image quality level) and image use information (Fig. 3: objective 33);

- automatically selecting a first encoding format from a plurality of supported encoding formats as a function of said received information (col. 6, lines 22-27, teaches

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selecting compression conditions which designate a compression algorithm, such as one of JPEG, EZW, FISHER, TETRA, EPIC);

- operating system to encode said image data according to the first encoding format to thereby generate first encoded image data representing said image (Fig. 3, step 38).

Gilbert does not disclose expressly storing the first encoded image data using a digital data storage device, retrieving the first encoded image data, converting the first encoded data from the first encoding format to a second encoding format to produce second encoded image data and outputting the second encoded image data.

Enokida discloses:

- storing the first encoded image data using a digital data storage device 18 (Fig. 1);

- retrieving the first encoded image data from the digital storage device using input controller 101 (Fig. 7);

- converting the first encoded data from the first encoding format MPEG to a second encoding format H.261 to produce second encoded image data using circuit 102, the second encoding format H.261 being different from the first encoding format MPEG (Fig. 7);

- outputting the second encoded image data using output controller 103 (Fig. 1).

Gilbert & Enokida are combinable because they are from image encoding method.



At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store the first encoded image data using a digital data storage device, retrieve the first encoded image data, convert the first encoded data from the first encoding format to a second encoding format to produce second encoded image data and output the second encoded image data in Gilbert as taught by Enokida.

The suggestion/motivation for doing so would have been to generate different kinds of coded data having different compression rates (Enokida, col. 2, lines 14-16).

Therefore, it would have been obvious to combine Gilbert with Enokida to obtain the invention as specified in claim 38.

Regarding claim 39, Enokida teaches the input device 10 and the first encoding circuit 11 may comprise a digital video camera, which implicitly includes movie film or digital tape (col. 3, lines 22-24).

Regarding claim 40, Enokida teaches the source format to be a MPEG (Fig. 10: MPEG video decoder 143).

#### ***Allowable Subject Matter***

4. Claims 1-11, 15-21, 25, and 26 are allowed.
5. Claims 23, 31-34, and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:

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Regarding claims 1, 25, and 26, the prior art, either taken singly or in combination, does not teach:

- wherein the plurality of supported encoding quality levels include... to an end viewer.

Regarding claims 2-11 and 15-21, since these claims depend upon claim 1, they are allowable for the same reason.

Regarding claims 23 and 42, the prior art, either taken singly or in combination, does not teach:

- converting the first encoded image data... from the first and second encoding formats.

Regarding claim 31, the prior art, either taken singly or in combination, does not teach:

- a wrapper module... to said analysis module.

Regarding claims 32-34, since these claims depend upon claim 31, they are objected for the same reason.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H. DO whose telephone number is 571-272-7433. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID K. MOORE can be reached on 571-272-7437. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 23, 2005.



**ANH HONG DO**  
**PRIMARY EXAMINER**